IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE V.ESWARAIAH**

**WRIT PETITION No. 26172 of 2005**

Between:

Smt.Ainavilli Ananta Laxmi and another

**..... PETITIONERS**

AND

The Executive Officer,

The Deity Sri Sitaramachandra Murthy Swamyvaru

Bhupayya Agraharam, Amalapuram village &

Mandal, East Godavari District and 3 others

**.....RESPONDENTS**

**ORDER:**

Seeking a Mandamus, declaring the action of the respondents in trying to evict the petitioners from the premises bearing D.No.4-2-21,
4-2-17 respectively, situated in R.D.No.488/8 of SKBR College Road, Amalapuram, East Godavari District, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioners and the learned Government Pleader for Endowments.

The petitioners submit that the original donor of the lands in question, which have been donated in favour of the 1st respondent temple, authorized the petitioners to occupy the said premises in question.

Though the learned counsel for the petitioners submits that the petitioners are neither encroachers nor trespassers of the premises in question, I am unable to accept the said contention, as admittedly the said lands belongs to the temple. Though the said lands belongs to the temple, the respondents cannot evict the petitioners there from, without following due procedure prescribed in law, particularly under the provisions of A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act').

Having regard to the facts and circumstances of the case, the respondents are directed not to dispossess the petitioners from the premises in question, without following due procedure prescribed in law and in accordance with the provisions under Section 83 of the Act, if there was no lease granted anytime Under Section 82 of the Act. Lessee cannot be termed as an encroacher and the lease if any granted at any time U/s 82 stands cancelled.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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**V.ESWARAIAH,J**

Dated: 08.12.2005

Dsr